

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY W. HARTLEY,

Defendant.

**4:12CR3082**

**MEMORANDUM AND ORDER**

Defendant has moved to continue the pretrial motion deadline, (filing no. [20](#)), because he wants to fully pursue plea discussions before deciding whether to file pretrial motions.<sup>1</sup> The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

**IT IS ORDERED:**

- 1) Defendant's motion to continue, (filing no. [20](#)), is granted.
- 2) Pretrial motions and briefs shall be filed on or before January 22, 2013.
- 3) Trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and January 22, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

December 28, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge

<sup>1</sup> The defendant's motion states "it should be noted that the Court has never issued an Order on the Defendant's prior Motion for a postponement in filing pretrial motions other than to reschedule the trial of this matter to January 2013." (Filing No. [20](#), p. 1). This statement is incorrect. Upon the defendant's motions, (Filing Nos. [14](#) & [17](#)), the court's order dated October 19, 2012 continued the pretrial motion deadline from October 19, 2012 to November 16, 2012; (Filing No. [16](#)); and the order dated November 17, 2012 continued the pretrial motion deadline from November 16, 2012 to December 17, 2012. (Filing No. [19](#)).